IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8834 of 2000

with

SPECIAL CIVIL APPLICATION No 8894 of 2000

AND

SPECIAL CIVIL APPLICATION NO 8911 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

PATEL DIPTIBEN AMRATLAL

Versus

STATE OF GUJARAT

Appearance:

MR KB PUJARA for Petitioners

MUKESH PATEL, LG.GOVT PLEADER for Resp. No.1 & 2

MR PK JANI WITH MR. RAKESH JOHRI for Resp.No. 3

CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 23/11/2000

CAV COMMON JUDGEMENT

1. All these writ petitions involve same questions of fact and law, and therefore, these petitions are disposed of by this common judgment.

2. The petitioners in all these petitions have passed XII Standard Higher Secondary Examination and are aspirants for admission to Primary Teachers Certificate Course (PTC Course) in the Government and non Government Primary Teachers Training Colleges (PTC Colleges). It is stated that, in the year 1999-2000, 5016 candidates were admitted in 63 Government and Non Government PTC Colleges and 10 classes in 7 recognised PTC Colleges. In all these colleges there were 104 classes and in each class 44 students were admitted. In the current year, i.e. in 2000-2001 the respondent Government issued advertisement on 16-5-2000 inviting applications for Centralised Admissions to the PTC Course and have given list of 63 Government and Non Government PTC Colleges, in all 108 classes to which admissions are to be granted. It is contended by Mr. K.B. Pujara, learned counsel appearing on behalf of petitioners in all these petitions that, since last year 44 students were taken per class in all the 104 classes, this year according to the calculation of the petitioners, the Centralised Admission Committee should admit atleast 5192 candidates in all these colleges. However, in the advertisement it has not been mentioned the number of candidates that will be admitted in all these colleges. The Centralised Admission Committee on 5-8-2000 published the list of candidates who are eligible for admission in PTC Course in all these colleges, and the candidates were asked to secure their admission on/or before 16-8-2000 for the current year 2000-2001, and only 2490 candidates had been selected for admission. It is contended by Mr. Pujara, learned counsel for the petitioners that, during the last year 5016 candidates were admitted and this year according to the calculation of the petitioners 5192 candidates should have been admitted in all these colleges, but the petitioners are aggrieved by the action of the respondent for selecting only 2490 candidates for admission to PTC Colleges. Mr. Pujara also submitted that, there is no reason for drastically reducing the number of candidates to be admitted in PTC Course. Further the petitioners did not try for admission to any other course, having regard to the fact that, on the basis of their marks they are entitled to be admitted to PTC course, as, according to their calculation atleast 5000 candidates are to be

admitted in the present academic year also. Having failed to secure admission in PTC Course because of the reduced number of seats the petitioners have filed this petition for a direction on the respondent Government as well as National Council for Teachers Education for increasing the seats so as to enable the petitioners to take admission in PTC Course. It is also contended by Mr. Pujara that, the Government is under an obligation to provide PTC Trained Teachers in the primary schools for maintaining the standard of education at the primary level. It is also submitted by Mr. Pujara that, according to the requirements calculated by the petitioners, the Government requires 5000 to 6000 PTC trained teachers for employment in different primary schools situated in the State. It is also submitted that, if during the current year only 2490 candidates are admitted then, Government will not be in a position to fill up all the posts of PTC Trained Teachers in all the primary schools situated in the State. Consequently Mr. Pujara submitted that, in the interest of primary education, the respondent should increase the number of seats in the PTC course so that there may not be any shortfall for the PTC trained teachers for primary schools.

3. The respondent State filed short reply, wherein they have denied the allegations made by the petitioners in the writ petitions. It is stated that, in the earlier years National Council For Teachers Education (NCTE) did not insist for teacher - student ratio. It is also submitted by Mr. MUkesh Patel, learned AGP appearing on behalf of the State Respondent that, in earlier years NCTE did not propose for teacher-student ratio. It is also submitted by Mr. Patel that, this year the NCTE has taken strict stand that for maintaining standard of education in the primary level the teacher-student ratio must be maintained by all institutions imparting education on Primary Teachers Certificate Course. It is also submitted by Mr. Patel that, NCTE has informed to the State Government that, if the teacher-student ratio prescribed by the NCTE is not maintained by any institute and in that event, the affiliation of such institution will be cancelled by NCTE. Mr. Patel, relying on the affidavit in reply submitted that, the Government has introduced 'Vidya Sahayak Scheme' in the State and under the said Scheme, issued an advertisement in August 2000 for recruitment of PTC trained teachers. It is also submitted that 10638 posts were available in different primary schools in the State, but only 8622 PTC trained teachers applied for the post. It is also submitted that, during the academic session, i.e. 1999-2000 , 4598

candidates were admitted to PTC course and therefore, almost the said number of candidates would be available during the next few years. Apart from the sufficiency of the trained PTC teachers, the Government has also appointed 40000 Vidya Sahayak teachers during the year ear 1999-2000. Accordingly Mr. Patel submitted that, there will be very few demand of PTC trained teachers for primary schools. It is also submitted by Mr. Patel that, having regard to the financial constraints to the Government, it is not possible for the Government to go for recruitment of teachers for the institutions which imparts PTC Certificate Course. Accordingly Mr. Patel submitted that, the number of teachers that will be required for maintaining the teacher-student ratio it would not be possible for the Government to appoint such large number of teachers. It is further submitted that since in near future there will be very few demand for PTC trained teachers in the primary schools, for the present, the Government do not have any intention to go for recruitment of teachers for the institutes that are imparting PTC course.

4. The National Council for Teachers Education also filed their reply. It is stated in the reply that, under section 12 of the NCTE Act, the Council is under an obligation to take all steps for ensuring planned and coordinated development of teacher education and for the determination and maintenance of standards for teacher education. The aforesaid Act authorises the NCTE to lay down norms for any category of course in teacher education. The norms prescribed by NCTE are at Annexure R-3/2 and R-3/3. R-3/2 are the norms originally framed by NCTE which have been revised by R-3/3 and published in the Gazette of India dated 27-3-1999. It is also stated that, apart from other norms the teacher-student ratio should be 1 : 12, and it is obligatory for all the institutions who apply for recognition by NCTE as per provisions of section 20 of the said Act. It is further stated that , all 69 institutions in the State of Gujarat applied for recognition in the office of NCTE at Bhopal. Most of these institutions are either run by State of Gujarat or with the aid from the State. The common problem with these institutions was that, they were maintaining teacher-student ration of 1 : 20. This ratio was earlier fixed by the State, but after coming into force of the NCTE Act, the Council has passed a resolution for maintaining teacher-student ratio at 1 : 12. The Council has made it clear to the State Government that, if the said ratio is not maintained, then all the 69 institutions in the State may face closure because of withdrawal of recognition by NCTE. It

is further stated by Mr. P.K. Jani, learned counsel, who is assisted by Mr. Rakesh Johri, learned counsel for NCTE , that, having regard to the difficulties that the Government as well as the students, the NCTE has relaxed the teacher-student ratio in case of State of Gujarat and all the institutions in the State of Gujarat are maintaining the teacher-student ratio at 1 : 15 and according to that ratio the Central Admission Committee has selected 2490 candidates for admission to PTC Course during year 2000-2001. It is also submitted by Mr. P.K. Jani, learned counsel appearing on behalf of NCTE that, the NCTE is the ultimate authority in deciding the admission procedure. It is further submitted that, the Council consists of eminent educationalists and they have decided that in PTC Course institutions teacher-student ratio must be 1 : 12. Apart from other contentions argued by learned counsel, it is also submitted by Mr. Jani that, since NCTE is the ultimate authority in deciding the admission criteria, the High Court should not interfere in such policy matters of the Council.

5. I have considered the contentions of learned counsel of the parties. Since the decision was taken by the NCTE that all PTC Course institutions will maintain teacher-student ration at 1 : 12, I am of the view that said ratio must be maintained by all the institutions imparting said course. It is an admitted fact that the NCTE has relaxed this condition for this year to maintain the teacher- student ratio at 1 : 15 for Gujarat State considering the special circumstances. Therefore, the number of admission will certainly depend upon the strength of teachers which the institutions are having. Teachers strength of all the institutions have been examined by the Government and the Central Admission Committee and according to that ratio of 1 : 15 the number of candidates could be admitted in all the institutions in the State, which is 2419 candidates. Accordingly the Central Admission Committee has published the list of 2419 candidates selected strictly according to merits including reserved seats for SC/ST and other backward classes. The petitioners before me are the students who could not secure their admission within this 2419 candidates. According to the teachers strength of all the institutions imparting PTC course, it comes to 2419 seats and therefore, according to the policy of the NCTE said number cannot be increased by any authority as that may entail derecognition of the institution. I am not impressed by the fact that the students before me are challenging the list published by the Central Admission Committee and the challenge of the petitioner students that 5192 students are to be admitted in all these

institutions do not have any force. If the admission of the students are entertained, then admission criteria of 1 : 15 ratio granted by the NCTE will have to be violated, and in my opinion, this will be violating the policy of the respondent NCTE, which is a statutory body to issue guidelines regarding admission procedure. After constitution of NCTE, under the NCTE Act the admission in PTC Course is governed by the policy framed by the NCTE. For the last few academic years the Government admitted candidates beyond the teacher-student ratio which must have affected the proper training of the teachers. In order to achieve the academic excellence, the NCTE has issued circular for maintaining teacher-student ratio at 1:12 for the institutions which are imparting PTC courses. I fail to appreciate as to how the High Court can be generous or liberal in issuing any direction which in substance will amount to directing the authorities concerned to violate their own statutory rules & regulations in respect of admission of students. Slackening the standard and judicial fiat to control the mode of education and examining system are detrimental to the efficient management of education. Any direction to the respondents to disobey the law is subversive of the rule of law, a breeding source of indiscipline. Therefore, I am of the view that, no direction can be issued to the respondents to admit more number of students in the institutions imparting PTC Course in the State, and to permit the students beyond the ratio of 1 : 15 for the current academic year. Having regard to the facts & circumstances stated above and after hearing learned counsel of all the parties, I am of the view that, there is no merit in the petitions and accordingly all the petitions are dismissed. Rule discharged in each of the petitions. Interim relief if any granted shall stand vacated. However, I make no order as to costs.

Dt: 23-11-2000 (P.K. Sarkar, J)

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